

REMARKS

In the Final Office Action¹, the Examiner rejected claims 7-19 under 35 U.S.C. § 101; and rejected claims 7-19 and 33-36 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,133,901 to Dalby et al. ("Dalby").

By this amendment, Applicant amends claims 7, 8, 10, 14, 18, and 33. The amendments to the claims are fully supported by the original disclosure of this application. See, e.g., specification, paragraphs [0063] and [0064], and FIG. 7. No prohibited new matter has been added. Applicant also proposes to add new dependent claim 37, which recites an element previously recited in claim 33 but deleted by this amendment.

In view of the foregoing amendments and the following remarks, Applicant respectfully traverses the rejections and requests reconsideration and allowance of the pending claims.

I. Rejection of Claims 7-19 under 35 U.S.C. § 101

Applicant respectfully traverses the rejection of claims 7-19 under 35 U.S.C. § 101. The claims are clearly directed to statutory subject matter. None the less, solely to facilitate prosecution, Applicant proposes to amend independent claim 7 to positively recite a "processor" in the body of the claim. Applicant submits that by this amendment, claim 7 recites a statutory process and addresses the Examiner's

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

concerns. Therefore, the Section 101 rejection of independent claim 7 and dependent claims 8-19 should be withdrawn.

II. **Rejection of Claims 7-19 and 33-36 under 35 U.S.C. §102(e)**

Applicant respectfully traverses the rejection of claims 7-19 and 33-36 under 35 U.S.C. § 102(e) as being anticipated by Dalby. In order to properly establish that Dalby anticipates Applicant's claims under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Dalby does not disclose each and every element of Applicant's claims.

Amended independent claim 7 calls for a combination including, for example, "receiving, using a processor, a message from a user" and **"receiving, based on the message, a characteristic** identifying a first subgroup of selected participants in an enterprise, **wherein receiving the characteristic comprises extracting the characteristic from the message** based on at least one of a keyword search, natural language parsing and application of a rule-based expert system" (emphases added). Dalby fails to teach at least these features of claim 7. Nowhere does Dalby teach or suggest receiving a "message" and, based on the message, receiving a characteristic identifying a first subgroup of selected participants by "extracting the characteristic from the message," as recited in claim 7. Moreover, Dalby is completely silent on the ability

to extract a "characteristic" from a message based on at least one of a "keyword search, natural language parsing and application of a rule-based expert system," as further recited in claim 7. Accordingly, Dalby cannot anticipate independent claim 7. Applicant, therefore, respectfully requests the Examiner to reconsider and withdraw the rejection of claim 7 as being anticipated by Dalby.

Amended independent claim 33, although different in scope from amended claim 7, recites features similar to that noted above for claim 7. Therefore, claim 33 is also not anticipated by Dalby for at least similar reasons to that discussed above for claim 7.

Dependent claims 8-19 and 34-36 are also allowable at least by virtue of their dependence from either independent claim 7 or 33. The rejection of these claims, therefore, should also be withdrawn. Finally, new claim 37 is patentable at least in view of its dependence from allowable base claim 33.

CONCLUSION

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 7-19 and 33-37 in condition for allowance. Applicant submits that the proposed amendments of claims 7, 8, 10, 14, 18, and 33 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against

Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

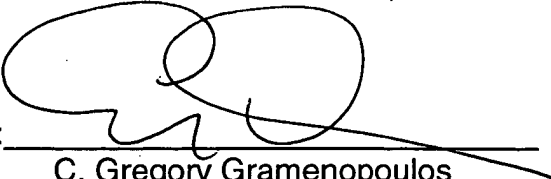
Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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